

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRELL D. KIMMONS,

Defendant.

)  
)  
)  
)  
)  
)  
)

8:11CR245

ORDER

This matter is before the court on the motion for an extension of time by defendant Tyrell D. Kimmons (Kimmons) (Filing No. 23). Kimmons seeks an extension of time in which to file pretrial motions in accordance with the progression order. Kimmons' counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

Defendant Kimmons' motion for an extension of time (Filing No. 23) is granted. Kimmons is given until **on or before September 19, 2011**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 6, 2011, and September 19, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 6th day of September, 2011.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge